IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 18803 of 2007(L)

PETITIONER:

THEJASWINI P.K., D/O.A.MUKUNDAN,
AGED 20 YEARS, NO OCCUPATION, RESIDING AT
OVIL HOUSE, CHENDAYAD P.O., PIN-670 692,
THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS:

1. THE MANAGER,
ABDURAHIMAN SMARAKAM U.P. SCHOOL, CHENDAYAD-670692
THALASSERY TALUK, KANNUR DISTRICT.

2. HEAD MASTER,
ABDURAHIMAN SMARAKAM U.P. SCHOOL,CHENDAYAD-670692,
THALASSERY TALUK, KANNUR DISTRICT.

3. ASSISTANT EDUCATIONAL OFFICER,
PANOOR, THALASSERY TALUK, KANNUR DISTRICT.

4. MOHAMMED SAJEED, S/O. K.MAMMED,
KALLARAKKAL HOUSE, CHENDAYAD-670 692,
THALASSERY TALUK, KANNUR DISTRICT.

5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.T.V.JAYAKUMAR NAMBOODIRI
SRI.S.K.BALACHANDRAN
SRI.A.S.FARIDIN
GOVERNMENT PLEADER SHRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 18803/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE SSLC CERTIFICATE.

P2. COPY OF THE HIGHER SECONDARY EXAMINATION CERTIFICATE.

P3. COPY OF THE TRAINED TEACHERS' CERTIFICATE.

P4. COPY OF THE REPRESENTATION DTD.3.10.06.

P5. COPY OF THE APPLICATION FOR DYING IN HARNESS.

P6. COPY OF THE POST ACKNOWLEDGMENT SIGNED BY R1 DTD.6.10.06

P7. COPY OF THE -DO- BY R2.

P8. COPY OF THE -DO- BY R3.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.18803 of 2007

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Dated this the 18th day of September, 2007

J U D G M E N T

The petitioner is the daughter of late P.K.Damayandhy, who was working as Assistant Teacher in the school managed by the 1st respondent. She died on 9.6.1987 while in service. At that time, the petitioner was a minor aged only 24 days. After attaining majority, the petitioner approached the manager for appointment under Section 51B of Chapter XIVA of KER. The petitioner has approached this court complaining inaction on the part of the manager in considering her claim, while the manager continued to appoint other persons in vacancies which arose subsequent to the petitioner's application. It is under the above circumstances that the petitioner approached this court seeking the following reliefs:

> "i) Mandamus, directing the Respondent No.1 to appoint the petitioner in any of the existing vacancy of Assistant Teacher in Abdurahiman Smarakam U.P. School.
>
> ii) Directing the Respondent No.1 to terminate the appointment of

> the 4th respondent and appoint the petitioner in that vacancy, if no other vacancy as on 29.9.2006 is available to accommodate the petitioner."

However, for the present the petitioner would be satisfied with a direction to the 1st respondent to consider the application submitted by the petitioner and to pass an order thereon, in accordance with law.

2. I have heard the learned counsel for the petitioner, 1st respondent and the learned Government Pleader.

3. In the facts and circumstances of the case, I direct the 1st respondent to pass an order regarding the claim of the petitioner for appointment under Section 51B and to pass a speaking order. This shall be done within a period of one month from the date of receipt of a copy of this judgment. I make it clear that I have not considered the matter on merits.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.